IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 20936 of 2004

Between:

Thota Laxmibhai, D/o Yogananda Rao,

Aged 22 years, r/o Machilipatnam, Krishna District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise,

Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner of Prohibition & Excise,

Kakinada, East Godavari District.
3 The Station House Officer, Prohibition and Excise Station,
Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus directing the respondents to release the vehicle of the petitioner bearing Registration No.TN.57/N.0046 to the petitioner herein forthwith pending Appeal No.9292/2004, on the file of the 1st respondent to enable the petitioner to produce the same before the concerned Transport Authority for renewal of permit and operate the same under the said permit in the interest of justice.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.20936 OF 2004

ORAL ORDER :

The petitioner claims to be a transport contractor and holding a permit to run the City Bus bearing Registration No.TN.57/N.0046. It is stated that on 09-04-2003 the said vehicle was seized by the Prohibition & Excise Inspector, Machilipatnam on the ground that arrack and black-jaggery was being transported in the vehicle in violation of the provisions of the A.P. Excise Act, 1968 and A.P. Prohibition Act, 1995. Thereafter, proceedings were initiated for confiscation of the vehicle and ultimately the Deputy Commissioner of Prohibition & Excise, Kakinada, the 2nd respondent herein, by order dated 29-11-2003, confiscated the vehicle holding that an offence punishable under the A.P. Prohibition Act has been committed involving the vehicle in question. Against the said order, the petitioner preferred an Appeal before the first respondent along with a petition for release of the vehicle on 05-04-2004, but no orders have been passed so far. Hence, this writ petition seeking a direction to the respondents to release the vehicle pending Appeal.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for Prohibition & Excise, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the application filed by the petitioner seeking interim custody of the vehicle and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Prohibition & Excise,

Andhra Pradesh, Hyderabad

2. The Deputy Commissioner of Prohibition & Excise,

Kakinada, East Godavari District

3. The Station House Officer,

Prohibition and Excise Station,

Machilipatnam, Krishna District

4. Two CCs to the Government Pleader for Prohbition &

Excise, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.